

## CHAPTER I

Causes of Kentucky Feuds

Almost every mountain county in Kentucky has had<sup>1</sup> its feud. These may be brought on by a combination of (reasons) or apparently by a single cause. But underlying every one are deep-seated reasons that come from the social and economic conditions existing within the communities in which feuds occur. To an extent, every individual is a product of his environment. (It is necessary to understand mountain conditions in order to understand the cause of feuds,) since they are maintained by certain social factors as a building is supported by its framework. (Picture a vast region enclosed on the east by nearly impenetrable mountains, sparsely settled, with only beds of streams for roads, and obviously without modern means of communication, with few or no churches and schools, without level land except for narrow strips in the river bottoms, and range after range of heavily timbered hills, potentially rich but

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1. John Fox, Jr., Bluegrass and Rhododendron, page 39.

undeveloped. Such, in general, is the land of the blood feud. The region is peopled by an intelligent and sensitive race. They are especially resentful of personal wrongs and are prone to allow differences of opinion to become private injuries. In a broad sense, this is one of the causes of the feuds. In 1861 the majority of the mountaineers were loyal to the Union.) But there were those who favored the Southern side and from this difference the famous feuds of Kentucky began, since we can find no records of feuds prior to the Civil War.)

(The people of the mountains of Kentucky were strong for the Union. Those who owned few or no slaves thought little of the slavery question. These non-slave holders came into conflict with their neighbors in Central Kentucky and the bordering regions of Tennessee and Virginia.) In fact, the mountaineers of the Appalachian region were caught between the contending armies of the North and South. (Those in the Federal armies, and on their own part in many cases, began to exterminate the rebels in the region. Rebel sympathizers retaliated



by killing Federal soldiers. Thus, in this way, feuds grew out of the Civil War. After the war, relatives of the slain men sought to settle the old scores by killing others. In fact, they only added fuel to the fire and long-standing feuds broke out in many parts of the Mountains.) Only a very small part of the population was engaged at any time in these feuds. Ninety percent of the people, as a whole, condemned them. Doubtless, some of this feudal warfare is based upon individualism, which harks<sup>1</sup> back to the border wars of England and Scotland.

John Fox, Jr., observes that the Civil War was the chief cause of the feuds. When the war started, the river bottoms were settled, and the clans were formed. These numbered more slave holders among them than among other southern mountaineers. Therefore, they were more evenly divided against themselves. The war set them fighting. (When the strife ceased elsewhere, it simply kept on with them because they were

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1. Charles Kerr, History of Kentucky, page 1204

a fiercer race, and because the issue had become personal.<sup>1</sup>

The famous Martin-Tolliver feud in Rowan County came as a result of the bitter difference of the Civil War.<sup>2</sup>

(Personal loyalty to kinsmen was a cornerstone of the feud.<sup>3</sup> Even if kinsmen were not actively engaged in the fight, they are usually active in their sympathy with one side or the other. Blood was a stronger tie even than politics.<sup>4</sup> Since mountain people were fairly well confined to the communities in which they lived, they lacked a satisfactory social life, and there was close inter-marriage of families inhabiting one district.) In Breathitt County, an old Judge, whose family had been among the early settlers on Troublesome Creek, stated that in the district school near by there were ninety-six children, of whom all but five were related to him-

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1. John Fox, Jr., Bluegrass and Rhododendron, page 41
  2. Charles G. Mutzenberg, Kentucky's Famous Feuds and Tragedies, page 116.
  3. John Fox, Jr., op. cit., page 43
  4. Ibid., page 29.



self or to his wife.<sup>1</sup> One can travel for miles along the head streams of the Kentucky river and find the same names recurring in all the cabins along both its shores.<sup>2</sup>

(Big families were the rule in the mountains. Some had as high as twelve or fifteen children in them. One Howard family in Breathitt County had twenty sons and several daughters.<sup>3</sup>

When Beach Hargis killed his father, Judge James Hargis, at Jackson, in 1908, a Cincinnati psychologist explained that the shooting of Judge Hargis by his son was the natural psychological outgrowth of his environment. The natural trend of the thought, said the psychologists, was toward action. When a person's mind was filled with murder and shootings, it was an easy thing for him to convert thoughts into acts. Liquor excesses had weakened young Hargis' power of

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1. Ellen Churchill Semple, "The Anglo-Saxons of the Kentucky Mountains," Geographical Journal, June, 1901, page 6.

2. Ibid., page 5.

3. O.O. Howard, "Feuds in the Cumberland Mountains," Independent, April 7, 1904, page 784.

self-restraint and immediately upon the slightest provocation, his father became his enemy and he shot him. It is difficult to trace the development of this thought in young Hargis' mind. He breathed murder in the very atmosphere from childhood, and for this reason the shooting seems to be the result of his mental and physical environment.<sup>1</sup>

The Washington Star made the following comment:

"The patricide is not beyond explanation. He (Beach Hargis) is only twenty-one years old and has been reared on blood. All his life he has heard the family name associated with feuds and assassinations. He must have been even at school dreaded a little himself ..... Growing up thus, with heredity playing its part, it is only necessary for him to reach the age of red liquor... to manifest all the worst qualities of his tribe and surroundings." 2

(Heredity played a great part in feud causes.

Mountain people felt strong responsibilities to their

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1. B.B. Breese, University of Cincinnati, The Lexington Leader, February 9, 1908.

2. The Lexington Leader, February 9, 1908.



families. The oldest sons felt it their duty to avenge the wrong done to one of their kindred. Widows of murdered feudists laid upon their sons the sacred obligation of killing the murderers of their father.<sup>1)</sup>

Mountaineers will not harm women or children but wives, sisters, and mothers will urge their men to deeds of feud violence. When the feud leader, Ed Callahan, was killed in 1912 he left an eleven year old son. Concerning this son, the Literary Digest said that:

"the future of the feud is in the hands of this boy who is in the hands of relentless destiny or fate, that something that has impelled from generation to generation old hate with long forgotten causes. He is so helpless before the driving force of the vendetta spirit. He must inherit the feud--just as he inherited the resemblance to his father or his religion or the politics of the Callahan clan, which is Democratic. 2

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1. Ellen Churchill Semple, op. cit., page 29

2. "Heir the Callahan Feud" The Literary Digest.  
February 1, 1913, Volume 46, page 256.

Mrs. Clifton Cross, the boy's sister, explained that mountain children get these feud hates early. They were helpless. They drew the feud spirit in with their breath.<sup>1</sup>

(Inefficient and corrupt county officials were also responsible for feuds even in the more progressive mountain counties.) Captain MacPherson declared that many of the murders during the Martin-Tolliver feud of Rowan County had been committed under the pretense of legal procedure. The grand jury had been composed for years of almost identically the same men. The judge of the circuit court was thought by many to be in sympathy with one faction, and the commonwealth's attorney was similarly implicated. These men boarded at the same house and ate at the same table with the leader of the Tolliver faction.<sup>2</sup>

(A weak-kneed and corrupt administration of justice permitted the continuation of this feud.)

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1. "Heir the Callahan Feud" The Literary Digest, February 1, 1913, Volume 46, page 256.
  2. The Kentucky Documents, No. 23, 1887.



The reign of terror, which lasted three years, could have been crushed in the beginning with an honest and determined effort to enforce the law.<sup>1</sup> (Many feuds arose from impotence of justice. This weakness often arose from shrewd manipulation of machinery of the law in interest of the law breaker. When the process of law which was supposed to protect peaceable citizens was juggled at elections a strong weapon was placed in the hands of the lawless, and there was little hope of wresting it from them, then the victims resorted to bloody resistance and armed force. That is why mountain political races for the local offices of sheriff, county judge, marshal, constable and jailer were so fiercely contested. Officers were able to pick a jury of kinsmen, or issue warrants against one's enemies, or unlock the jail door to let one escape, or kill a hated enemy while pretending to arrest him.<sup>2</sup>

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1. Lutzenberg, op. cit., page 111.

2. James W. Raine, The Land of the Saddle-bags, pages 145, 146.

Fox observed that mountain juries rarely convicted a man for a crime they, themselves, would commit under the same circumstances.) Trials in the Bluegrass have helped most to break up feuds,<sup>1</sup> because there a verdict of guilty is most likely, for the men of the Bluegrass jury are not trained in the mountain traditions of ineffective courts and the right to revenge a wrong personally. Friends of convicted mountaineers shoot men rather than let the law hang them.<sup>2</sup> (At a time when feuds were bitterest, Kentucky mountaineers had only a rudimentary conception of sacredness of the law.<sup>3</sup>) The people felt justified in righting their wrongs personally because of frequent miscarriage of justice. The administration of the law was almost impossible in a feud case in the region where the case arose. It was next to impossible to convict a murderer in his own county, because the jury and often the witnesses were intimidated by the defendant's friends, and failed to return a verdict of guilty; or,

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1. Fox, op. cit., page 46.

2. Sample, op. cit., page 30.

3. Ibid.



if the murder was committed to avenge a real wrong, the mountain jurors felt themselves in sympathy with the criminal and acquitted him.<sup>1</sup>

The Investigating Committee of the Kentucky General Assembly reported that the Martin-Tolliver feud was due to the fact that the county officials, excepting a very few, were not only inefficient but corrupt, as well. There was a lack of a healthy public sentiment, and that part of the citizenship who desired law and order had so long been dominated by the criminal element that they were practically incapable of giving valuable assistance in maintaining the law. It was the Committee's opinion that those desiring law and order were not numerous enough to bring a reformation in Rowan County without outside help.<sup>2</sup> (The people were unduly tolerant of crime either because of intimidation, fear, long accustomed association with violence or from a lack of appreciation of law and

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1. Semple, op. cit., page 30.

2. Report on Rowan County Affairs, page 7.

order. Juries failed to convict. Cowardly murders were committed and no one was indicted for them even when it was generally known who the guilty persons were. From August, 1884, to 1887, Rowan County grand juries wasted their efforts on prosecution founded upon worthless evidence. Rowan County officials, in some cases, not only suppressed knowledge of murders but gave support in releasing criminals from the custody of the law. Officers forgot their duty to the Commonwealth and sought adverse criticism instead of shrinking from it. <sup>1</sup>

In Rowan County from August, 1884, to June 22, 1887 there were twenty murders, and sixteen persons wounded who did not die. During the entire period, there was only one conviction for murder, manslaughter or wounding. The man whose murderer was convicted was not connected with either faction.<sup>2</sup> This situation was typical of feud communities.

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1. Report on Rowan County Affairs, page 6.

2. Ibid., page 5.



The social and economic conditions which resulted from isolation in turn produced the moral code peculiar to mountain people.) Fox states that it is the feud that most sharply differentiates the Kentucky mountaineer from his fellows, and it is extreme isolation that made possible such a relic of barbarism. For the feud meant ignorance, shiftlessness, incredible lawlessness, a frightful low estimate of human life, the custom of ambush, and a class of cowardly assassins who could be hired to kill for a gun, a mule or a jug of moon-shine.<sup>1</sup>

Fox observed that isolation was a cause of feuds. Railroads and newspapers had their influence elsewhere but the Kentucky mountaineer was untouched by such advantages.<sup>2</sup> Railroads were only beginning to come into the Eastern Kentucky Mountains during the last twenty years of the Nineteenth Century,<sup>3</sup> and roads were only dry stream beds.<sup>4</sup> The people were not

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1. Fox, op. cit., page 40

2. Ibid., page 46

3. Ayres and Givens, Eastern Kentucky, page 20

4. Seiple, op. cit., page 3.

only separated from the currents of modern life, but they were separated from "near" neighbors.<sup>1</sup> Two families living on parallel creeks only a mile apart may be separated by a mountain, over whose shattered cliffs there is not even a path. (It is therefore impossible for the people to progress culturally with only the most primitive, inadequate methods of transportation and communication. A startling proportion of the people could not read or write.<sup>2</sup> Under these conditions, it is little wonder that the mountaineer developed that independence that manifested itself in personal violence upon his enemies.) For until 1850, Eastern Kentucky was a part of the largest area east of the Mississippi unpenetrated by railroads.<sup>3</sup> It is J. W. Raine's opinion that civilization is primarily dependent upon good roads,<sup>4</sup> which are followed by the use of modern inventions. Civilizations arise upon the meeting place of ideas, and ideas do not meet unless those who think them get together.<sup>5</sup>

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1. Raine, op. cit., pages 163, 164.

2. Twelfth United States Census, Population, I, 961.

3. Ayres and Givens, op. cit., page 9.

4. Raine, op. cit., page 9.

5. Ibid.



The mountain people are the descendants of the German, English and Scotch-Irish, who constituted a large element in the population of the Colonies at the time of the American Revolution. The stream of immigration flowed from Western Pennsylvania down the Valley of Virginia to Carolina. There it turned westward through Tennessee and at Cumberland Gap poured into Kentucky. This stream was increased by Virginia English, Germans and French Huguenots from the Carolinas. After passing through the Gap settlers built homes along the numerous streams and valleys leading off from the Wilderness Road. Other mountain settlers came from the North by way of the Ohio River. The region drained by the North Fork of the Kentucky River and the Big Sandy River received settlers through Pound Gap, which was reached from the Big Sandy Trail and by the Ohio River route. Pound Gap offered access to the mountain

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1. Seiple, op. cit., page 6.

2. Virginia McClure, The Settlement of the Kentucky Appalachian Highlands, (thesis, University of Kentucky Library) page 35.

3. Ibid., page 47.

region, and other accessible gaps must have been found and used by the pioneers. Entrance to the Big Sandy Valley was accomplished early. The upper Big Sandy, the Upper Kentucky, and the upper Cumberland regions were peopled before there was any movement from the Bluegrass to the Mountains.<sup>1</sup> Due to the isolation already noted, the civilization of these settlers remained at a status quo. This is a partial explanation of the mountaineer's customs. They became accustomed to ambush while fighting the Indians in the early days of settlement. Bushwhacking became common during the Civil War,<sup>2</sup> and guerrilla warfare of the struggle accustomed mountaineers to fighting in the bush. Semple observed that isolation not only prevented mountain settlers from progressing but forced them to resort to earlier usages which at the time of their coming were obsolescent.<sup>3</sup> This is one explanation of the feud for, being unable to have an efficient court of law

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1. Virginia McClure, op. cit., page 47

2. Fox, op. cit., pages 44, 45

3. Semple, op. cit., page 35



mountaineers were forced to protect themselves, just as they were forced to manufacture their hand mills for grinding corn, make their soap, gunpowder or furniture because there were no roads, manufactures or markets.<sup>1</sup> Howard observed that away from the railroad lines there were regions where the roads were too bad for wagons, and where the people travelled on horseback or muleback altogether.<sup>2</sup> It is his opinion that good roads and education would surely cure the feud spirit.<sup>3</sup>

(Religion is as honestly used in the Mountains to cloak deviltry as it ever was in the Medieval ages.)<sup>4</sup> Many a feud leader has served a term in the state penitentiary, and upon his release turned to preaching the gospel. One feud leader declared that the Lord was on his side because he had triumphed over his enemies many times and he got to be a better Christian every year.<sup>5</sup>

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1. Raine, op. cit., pages 80, 81.

2. Howard, op. cit., pages 784, 785.

3. Ibid., page 797.

4. Fox, op. cit., page 43.

5. Ibid., page 44.

A visitor once asked a mountaineer why he was hiding in the bushes with his rifle. The reply:

"Ride on, stranger, I'm awaiting fer Jim Johnson, and with the help of the Lawd, I'm a-goin' to blow his damn head off."<sup>1</sup>

(The feudist does not regard the killing of an enemy as a blot on his soul. The two are entirely separate. The mountaineer's moral principles are a direct product of his environment, and quite divorced from his religion, which is an imported factor in his life.)<sup>2</sup>

(Perhaps another cause is that of whiskey and politics. The two go hand in hand. Elections are always attended by much drinking. The Kentucky mountaineer takes his politics seriously and even now election day brings many deaths. Whiskey always performs its part in feud violence.)<sup>3</sup> Politics and whiskey were major causes of the Martin-Tolliver feud.<sup>4</sup> Regarding the same feud, the Investigating

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1. Fox, op. cit., page 44.
  2. Semple, op. cit., page 29.
  3. Howard, op. cit., page 786.
  4. Lutzenberg, op. cit., page 111.



Committee reported that during the feud, whiskey was sold in nearly every part of the county. Most of the saloons were unlicensed. This state of affairs dragged into crime and murder even those who were not originally in the feuds. The proof showed that crimes and murders were committed in the various precincts in proportion to the number of places where<sup>1</sup> whiskey was sold.

Revenue officers are feared by most mountaineers and these law enforcing agencies have had little success in suppressing the moonshine stills. Within a few miles of a railroad and within a radius of five miles there may be twenty or more illicit stills. Women whose husbands have been killed in the feuds often carry on still operations in order to support their families.<sup>2</sup> It is a well known fact that during the Hargis-Cockrell feud, practically all the male members of the Hargis family were addicted to the use of whiskey. (Politics, whiskey, heredity and environment are the very foundations of feuds.)

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1. Report on Rowan County Affairs, page 7.

2. Semple, op. cit., page 18.

Mountain people usually attempt to defend mountain conditions by saying that reports concerning them have exaggerated, but nothing has ever been said of the mountaineer's ignorance, shiftlessness and utter disregard for human life, especially in the Kentucky mountains, that does not have its basis, perhaps, in actual fact.<sup>1</sup>

(The Kentucky mountaineers are hospitable, generous and generally truthful. They prove to be fast friends and bitter enemies, are intelligent and extremely sensitive to personal wrongs. Educated mountaineers have a strong aversion to written records concerning feuds, and will defend the feudist by spirited and bitter attacks upon the criminal record of the Bluegrass and other regions.)

The world has looked in horror upon the recorded deeds of the Kentucky mountain feudist but to do him justice, he must be given the awful ordeal of a century of isolation and consequent ignorance in which to deteriorate. His loyalty to the Union in 1861

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1. Fox, op. cit., page 52.



was the transmitted loyalty of 1776. His estimate of law, duty and of human life is to be judged by that day and not this. His actions and personal characteristics are products of the conditions of his environment and must be judged accordingly.

From The Collection Of  
Dr. Jack D. Ellis  
682 W. 8th St.  
Morgantown, KY 40051  
800-764-7475

## CHAPTER II

The Martin-Tolliver Feud or  
the Rowan County War

This famous feud took place in the little town of Morehead, the county seat of Rowan County. Morehead had a population of one hundred and sixty-three in the year 1880.<sup>1</sup> Ten years later its population had increased to four hundred and ninety-one,<sup>2</sup> despite the feud which raged from 1884 to 1887. Rowan County had most of the elements that caused feuds. However, the county was not isolated for good roads and railroad communication had introduced a civilization that should have made the shameful conflict impossible; it certainly made it inexcusable.<sup>3</sup> The Governor tried to restore peace by the use of state troops to assist the county officials in enforcing the law, but the law was not enforced. The feud continued because the people allowed the guilty to escape punishment.

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1. Tenth United States Census, Population I, 393.
  2. Eleventh United States Census, Population I, 189.
  3. Mutzenberg, Charles, Kentucky's Famous Feuds and Tragedies, page 113.

From The Collection Of:  
Dr. Jack D. Ellis  
552 W. Sun St.  
Morehead, KY 40351  
606-784-7473



In this disgraceful struggle, the County brought upon itself the disrespect of the entire state; the name, Rowan, became synonymous with outlawry; men of reputation, influence, and education were implicated; the courts appeared powerless; officers of the law allied with criminals; state troops were unable to restore the peace, and thus the feud culminated in the bloody battle of Morehead, June 22, 1887.

Rowan County was created in the year 1856,<sup>1</sup> and as a solution to the troubles arising from the Martin-Tolliver Feud, it was suggested that the Act of the Kentucky General Assembly establishing the County be<sup>2</sup> repealed.

No other feud in Kentucky has given so much<sup>3</sup> trouble to the state officials. The Governor sent troops to Morehead twice during the feud, but the disorder was renewed immediately when the troops were withdrawn. At one time the faction leaders signed a peace treaty in which they agreed to leave the state

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1. Lewis Collins, History of Kentucky, Volume II, page 692.

2. Report of Rowan County Affairs, page 8

3. Lewis P. Johnson, Famous Kentucky Tragedies and Trials, page 257.

forever, but this agreement was broken by Craig Tolliver. Had he kept his word, the Battle of Morehead might never have been fought. It seems that peace was impossible until the leaders of one side or the other had been exterminated.

The feud began on election day, August, 1884, and the viva voce system of voting, bribery, and whiskey had already added to the division in Rowan County politics which, like most Kentucky mountain counties, was an outgrowth of the bitter difference of opinion in the Civil War.<sup>1</sup> In the election Cook Humphrey, a young man of twenty-five years, was the Republican candidate for Sheriff of Rowan County. His opponent, Sam Goodan, ran on the Democratic ticket. Goodan lived in Morehead while Humphrey lived on his father's farm, about seven miles from Morehead. The county was usually Democratic but Humphrey won by a majority of twelve votes.<sup>2</sup> But on this election day a fight took place which started the trouble.

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1. Mutzenberg, op. cit., pages 119, 123.

2. Report of Rowan County Affairs, page 204.



It was a savage free-for-all affair and rocks as well as bullets flew thick and fast. William Trumbo and a man named Price had a quarrel which ended in a fist fight. During this melee John Martin was struck in the face, had one of his teeth knocked out and his head badly bruised. He afterwards said that John Day and Floyd Tolliver knocked him down.<sup>1</sup> Then he regained his feet he drew his pistol. Others did the same and in the shooting which followed, Solomon Bradley, a middle-aged man with seven children, was killed and Ad Sizemore wounded, but not fatally, in the neck. These men were not allied with either side. It was never decided who killed Bradley. The Martins said John Day, sheriff at that time, killed him, while the Tollivers claimed that John Martin did it. Bradley, Martin and Sizemore were all Republicans.<sup>2</sup> No one was ever tried and convicted for Bradley's death. John Martin and Floyd Tolliver were both indicted, but these men

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1. Johnson, op. cit., page 259.

2. Report on Rowan County Affairs, page 231.

were both killed before they could be tried.<sup>1</sup> The factions now arrayed themselves against each other. Relatives of each family joined with their kindred, reinforcements came from Elliot and Carter Counties, and the Martin-Tolliver feud was on.

John Martin and his two brothers, Will and Dave, lived near their father, Ben Martin, a short distance from Morehead. Marion and Craig Tolliver lived in Morgan County, and Floyd lived in Rowan. Their cousins, Bud, Jay and Wiley Tolliver, lived in Elliot County. Other Rowan Democrats engaged in the feud were Mace Keaton, Jeff and Alvin Bowling, John Allen Day, John Day, Boone Day, Mitch Day, Jim Arksley, Bob Masner and others.<sup>2</sup> The Martins were Republicans and supported Cook Humphrey, as did the Logans and Mat Carey, the County Clerk.

Martin soon recovered from his wounds of the election day fight and on December 2, 1884, met Floyd Tolliver in Judge Carey's saloon in Morehead. Both

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1. Report on Rowan County Affairs, page 194.

2. Johnson, op. cit., page 259.



were armed. It is said that they were both drunk.<sup>1</sup>  
 Words passed between them until Tolliver drew his  
 gun. Martin, however, was quicker and killed Tolli-  
 ver.<sup>2</sup> Martin was arrested immediately by Sam  
 Gooden and Tom Day and placed in the Morehead jail.  
 Due to threats of lynching he was removed to the Win-  
 chester jail in Clark County for safekeeping. On  
 the night of December 9, about nine-thirty o'clock,  
 three men came to the Winchester jail and demanded  
 of Jailer James Ecton that he give up John Martin.  
 Mr. Ecton was suspicious but could not refuse the  
 prisoner, as the men had a requisition properly  
 drawn up and signed by the magistrates who consigned  
 Martin to jail. There was not time to inquire into  
 the genuineness of the order as it was nearly train  
 time, so Martin, against his wishes, accompanied  
 the men to the depot. He met his wife there and they  
 talked until train time at midnight. Mrs. Martin  
 asked to be allowed to remain in the same car with  
 her husband but this request was brutally refused.

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1. Hutzenberg, op. cit., page 126.

2. The Lexington Daily Press, December 10, 1884.

so she went into the next coach. Martin's half drunken guards spent the time talking and laughing. At Farmers, about seven miles west of Morehead, a mob boarded the train and took control, a party going into the engine and compelling the crew to remain quiet. A second group took care of Conductor Ragland and the brakeman, while the remainder entered the car where the prisoner was. Martin, realizing what was about to happen, attempted to rise, when the assassins, without words, emptied their shotguns and revolvers into the manacled and defenseless prisoner. His body was perforated by bullets and buckshot, the blood flowing from more than a dozen wounds in his head, chest and shoulders. Mrs. Martin, in the next car, heard the shots and rushed in to find her husband deserted by his guards and alone. The mob now left the train which continued to Morehead with its ghastly burden. Strange enough, Martin did not die immediately but lived for six hours in great agony. He died about nine o'clock on the morning of December 10.<sup>1</sup> No one was ever indicted for this

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1. The Lexington Daily Press, December 10, 1904.



murder,<sup>1</sup> but later it was discovered that Craig Tol-  
 liver played a major part in it, at least.<sup>2</sup> It was  
 made possible because the telegram instructing the  
 Winchester jailer to hold the prisoner arrived too  
 late.<sup>3</sup> Alvin Bowling was the man who took the  
 forged order of release to Winchester.<sup>4</sup> Several  
 weeks after Martin's death, Bowling told a newspaper  
 reporter that he had the order from Martin's friends  
 to bring him to Morehead where two hundred of them  
 were assembled to rescue him. Bowling said he did  
 not intervene when the mob killed Martin because had  
 he done so, he would have suffered the same fate.<sup>5</sup>

At this time, the legal machinery of Rowan County  
 was rotten. At the February term of court in 1885  
 men convicted of small crimes, such as carrying con-  
 cealed weapons, walked right out of court and were  
 not molested.<sup>6</sup> Dil Miller was one of these. He

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1. Report on Rowan County Affairs, page 33.

2. Ibid., page 239.

3. The Lexington Daily Press, December 10, 1884.

4. Ibid., March 4, 1885.

5. Ibid.

6. Report of Rowan County Affairs, page 278.

even stayed around for more than a month and all this time the Sheriff did not arrest him. Several others<sup>1</sup> followed his example.

On March 7, 1885, Z. T. Young was wounded in the shoulder while riding from Elliottsville to Morehead.<sup>2</sup> He was shot from ambush, evidently in retaliation for the murder of Martin, since the Martins claimed that he was a Tolliver adherent.<sup>3</sup> Young was a man of great ability and much superior to the average man of the factions. He was a lawyer of note and of good standing in the community.<sup>4</sup> Young denied any connection with either faction.<sup>5</sup> Some time after this, Ed Pierce was arrested in Greenup County and taken to jail in Owingsville, Bath County. While there he declared that the Martin crowd had hired Ben Rayborn and himself to kill Z. T. Young, Jeff and Alvin Bowling and six others. They were to receive fifty

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1. Report of Rowan County Affairs, page 278.
  2. The Lexington Daily Press, March 10, 1885.
  3. Johnson, op. cit., page 261.
  4. The Lexington Daily Press, March 10, 1885.
  5. Johnson, op. cit., page 261.



dollars for killing Young and twenty-five each for the others. He said they watched the road for Young and that Rayborn shot him. Young was not killed because his would-be assassin was blinded by the snow.<sup>1</sup>

The third man to die in the feud violence was Stewart Bungardner, a deputy sheriff for Cook County. He was killed March 16, from ambush, while riding along Christy Fork about five miles from Morehead. He died instantly since more than twenty-five buckshot lodged in his body.<sup>2</sup> Bungardner's remains were found literally torn to pieces. No one was ever indicted for his murder,<sup>3</sup> but the Martins charged the Tollivers with it. The poem included in the footnote below relates the story of the feud up to the death of Stewart Bungardner:<sup>4</sup>

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1. The Lexington Daily Press, May 29, 1885.

2. Ibid., March 17, 1885.

3. Report on Rowan County Affairs, page 196.

4. The Tolliver Song

It was in the month of August  
All on election day,  
Lent Martin he was wounded,  
Some say by Johnny Day.

But Martin could not believe it,  
Or could not think it so,  
He thought it was Bud Tolliver  
That struck the fatal blow.

They wounded young Ad Simon,  
Although his life was saved;  
He seems to shun the grog shops  
Since he stood so near the grave.

They shot and killed Sol Bradley,  
A sober, innocent man,  
Left his wife and loving children  
To do the best they can.

Martin did recover,  
Some months had come and past;  
All in the town of Morehead,  
These two did meet at last.

Tolliver and a friend or two  
About the streets did walk;  
They seemed to be uneasy,  
With no one wished to talk.



They walked into Judge Carey's grocery<sup>1</sup>  
And stepped up to the bar;  
But little did he think, dear friends,  
He had met his fatal hour.

The sting of death was near him;  
Martin rushed in at the door;  
A few words passed between them,  
Concerning a row before.

People soon got frightened,  
Began to rush out of the room,  
When a ball from Martin's pistol  
Laid Tolliver in the tomb.

His friends then gathered 'round him,  
His wife to weep and wail;  
And Martin was arrested  
And placed in the County Jail.

He was put in jail at Rowan,  
There to remain a while  
In the hands of law and justice,  
To bravely stand his trial.

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1. Saloon.

The people talked of lynching him,  
At present though they failed;  
The prisoner's friends removed him,  
To Winchester jail.

Some persons forged an order  
Their names I do not know;  
The plan was soon agreed upon,  
For Martin they did go.

Martin seemed to be discouraged,  
He seemed to be in dread.  
"They have sought a plan to kill me",  
To the jailer Martin said.

They put the handcuffs on him,  
His heart was in distress;  
They hurried to the station,  
Got on the night express.

Along the line she lumbered,  
Just at her usual speed;  
There were only two in numbers  
To commit the awful deed.



Martin was in the smoking car,  
Accompanied by his wife;  
They did not want her present  
When they took her husband's life.

They stepped up to the prisoner  
With pistols in their hands;  
In death he soon was sinking,  
He died in iron bands.

His wife overheard the noise,  
Being in the smoking car;  
She cried, "O Lord! they've killed my husband",  
When she heard the pistol's fire.

The death of these two men  
Has caused great trouble of the land,  
Caused men to leave their families,  
And take the parting hand.

It has caused continual war,  
Which may never cease;  
I would to God that I could see  
Our land once more in peace.

They killed our Deputy Sheriff,  
Bumgardner was his name;  
They shot him from the bushes;  
After taking deliberate aim.

The death of his was dreadful,  
It may never be forgot;  
His body was pierced and torn  
With thirty-two buckshot.

I composed this song as a warning;  
Oh, beware, young man;  
Your pistols will cause you trouble,  
On this you may depend.

In the bottom of a whiskey glass  
A lurking devil dwells,  
Burns the breath of those who drink it,  
And sends their souls to Hell.<sup>1</sup>

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1. Josiah Combs, Folk Songs du Midi des Etas Unis, pages  
185-189.



About eight o'clock on the morning of April 1, following Bumgardner's death, J. C. Day and Jeff Bowling of the Tolliver faction were in the barroom of the Central Hotel, when Cook Humphrey and Ed Pierce entered with drawn revolvers. Bowling ordered them out, at the same time drawing his own revolver. Humphrey and Pierce left at once. Bowling and Day then went to the Cottage Hotel. They were followed by Pierce and Humphrey who had two revolvers each. A general gun battle followed, in which, however, no one was hurt. During the fight the Martins occupied the Gault House and the Tollivers the Cottage Hotel. The Sheriff of Rowan County telegraphed the Governor for troops, while both factions sent runners to call<sup>1</sup> in their friends.

The Martin faction then withdrew, leaving the Tollivers in possession of the town. The Governor sent a Commission headed by John B. Castleman to investigate the lawlessness in Rowan County. They were met at the station by armed Tollivers who treated them

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1. The Lexington Daily Press, April 2, 1885.

well.<sup>1</sup> This Commission induced the factions to agree to a truce, which was kept for a short time, then violated by both sides.

In the meantime, Judge Carey, County Clerk of Rowan; J. M. Carey, Deputy County Clerk; C. P. Terrill, Police Judge; Dr. C. D. Martin, and H. M. Logan, friends of the Martins, had gone to Lexington, saying they were forced to leave Rowan in order to save their lives.<sup>2</sup> Z. T. Young was also in Lexington at this time. He and H. M. Logan passed some bitter words between them.<sup>3</sup>

The peace treaty which the Commission had arranged was criticized by many people who maintained it showed weakness in the execution of the law.<sup>4</sup>

During the month of May and most of June 1885, the factions were restless and trouble was expected to break out at any time.<sup>5</sup> The Martins said in regard

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1. The Lexington Daily Press, April 4, 1885.

2. Ibid.

3. Ibid.

4. Ibid., April 22, 1885.

5. Ibid., May 30, 1885.



to Pierce's confession, that Pierce was unreliable and made the confession for a promise of acquittal of his crimes.<sup>1</sup> Meanwhile, Z. T. Young's watch dog<sup>2</sup> was poisoned and he was in daily fear for his life.

The peace was rudely broken on the 28th of June. At this time Craig Tolliver was Town Marshal of Morehead and claimed to have warrants for the arrest of Cook Humphrey and Ben Rayborn on the charge of attempting to assassinate Z. T. Young. At that time, Humphrey and Rayborn were staying at the Martin home, about three quarters of a mile from Morehead. The Tollivers surrounded the house at daylight, and saw Sue Martin and Rayborn come out and then go back into the house. Then the Tollivers went to the door and wanted to go in. The girls told them that there were no men there. They then started up the stairs and Humphrey shot Craig Tolliver in the face with a shotgun. The main charge struck the stock of Tolliver's gun and this saved his life. The outlaw rolled down the steps and was dragged out of further harm by members of his

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1. The Lexington Daily Press, May 30, 1885.

2. Ibid.

posse. Tolliver then got a horse and returned to Morehead for reinforcements. While he was in town, Sue Martin came to Morehead. She was arrested and placed in jail by Craig Tolliver. Tolliver's enlarged posse then returned to the attack at the Martin home. About four o'clock in the evening, Humphrey and Rayborn made a rush from the house and attempted to escape. Humphrey seemed to bear a charmed life for he escaped through a hail of Tolliver bullets<sup>1</sup> and buckshot. Rayborn, however, was killed. The brutal posse fired into the young man's body and robbed his pockets.<sup>2</sup> The Tollivers returned that night and burned the Martin home, forcing the women<sup>3</sup> to spend the night in the open under some trees. The Martins lost all their furniture and clothing when their home was destroyed by the posse under the Morehead Marshal.<sup>4</sup> Minnie Martin came to town to bring her sister, Sue, a dress, and was also arrested by Craig Tolliver. The girls were released the next

See p 46

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1. Report on Rowan County Affairs, pages 241, 242.
  2. Johnson, op. cit., pages 262, 263.
  3. Report on Rowan County Affairs, pages 241, 242.
  4. The Lexington Daily Press, June 30, 1885.



morning after promising that they would do nothing  
 to stir up the Martin faction.<sup>1</sup> That was a move  
 that only a cowardly bully would make. The Martin  
 girls had done no wrong, had seen a friend beneath  
 their roof murdered without legal sanction, had seen  
 their home and all their worldly goods consumed in  
 fire, had been arrested and imprisoned for no reason  
 save the will of Craig Tolliver, and now they must  
 promise to do or say nothing in retaliation! No  
 single event of the entire feud so clearly shows the  
 state of savagery and outlawry into which Rowan County  
 had sunk as does this promise exacted from the Martin  
 girls. Major McKee arrived in Morehead late on June  
 29, with state troops who took command. Sue Martin  
 stated in Mount Sterling, the day after her arrest,  
 that Craig Tolliver told her he had sworn to kill  
 Cook Humphrey. She further stated that Tolliver had  
 no warrant but only came to kill him.<sup>2</sup> This was  
 later revealed, for the posse members, Jeff Bowling,  
 Craig Tolliver, Robert Messer, T. A. Day, Mace Keaton  
 and others were charged with Rayborn's death and went

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1. The Lexington Daily Press, June 30, 1835.

2. Ibid.

through a typical Rowan trial in the summer of 1885.<sup>1</sup>  
 Attorney General Hardin said the proof showed that  
 the Tollivers went after Rayborn without a warrant,  
 and that one was issued after Rayborn was killed.<sup>2</sup>  
 County Judge Stewart was afraid to try the cases, so<sup>3</sup>  
 they were tried before two magistrates who discharged  
 them.<sup>3</sup> The Tollivers had cheerfully submitted to  
 trial since the whole legal machinery was perverted  
 to their protection. It was as rotten as could be.<sup>4</sup>  
 The warrants had been sworn out by the Martin girls.  
 There was no sheriff to serve warrants and since the  
 Town Marshal was implicated in the crime, a special  
 man, named McKenzie, served in the capacity of sher-  
 iff.<sup>5</sup> Men were indicted at this court for such  
 offenses as carrying concealed weapons, Sabbath break-  
 ing and resisting an officer.<sup>6</sup> Nothing was done about  
 murder. The press considered the court a farce as

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1. The Lexington Daily Press, June 30, 1885.
  2. Report on Rowan County Affairs, page 288.
  3. Ibid., page 294.
  4. Ibid., page 295.
  5. Ibid., pages 288, 289.
  6. The Lexington Daily Press, August 10, 1885.



far as solving troubles in the County,<sup>1</sup> and so it proved to be.

In July, John Martin's mother was arrested on the charge of trying to poison the family of Doctor R. L. Raine by attempting to sell his wife a dressed turkey in which poison was supposed to have been placed. Attorney General Hardin refused to prosecute her saying that he had not come to Morehead for the purpose of prosecuting women.<sup>2</sup> At the trial of Judge Cole, in 1888, Asher Caruth testified that the Louisville chemist, Doctor Barun, who examined the turkey, found no poison in it.<sup>3</sup>

The legal machinery was not only rotten but the general public attitude was shown by the press comments on the disposal of Rayborn's body. Rayborn lived in Carter County. He was staying with the Martins whose home was burned on the day Rayborn was killed. The next day after his death, Rayborn's body was taken to the court house where it lay in a pine box until it was removed the next day, June 30. The guards slept in

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1. The Lexington Daily Press, August 10, 1885.

2. Ibid., July 9, 1885.

3. Report on RowanCounty Affairs, page 261.

the court house with the body, with indifference and apparent enjoyment, despite the awful odor of rapid decomposition. The people viewed the situation with evident enjoyment, and showed little regard for the sickening affairs of the murder.<sup>1</sup> This is suggestive enough of the manners and surroundings of Morehead people during the summer of 1885.

On August 5, Laban Logan was fined five dollars for firing a pistol. He was supposed to be of the party that wanted the soldiers in Morehead to preserve peace. This showed that both sides had bad elements in them, and that neither was honest in professing to want the trouble stopped. The soldiers were constantly annoyed by shooting which occurred around the camp. It was evident that someone was trying to give as much trouble as possible. While the troops were at Morehead, the people did absolutely nothing toward<sup>2</sup> cooperating with the soldiers in preserving order. Logan had a clear case against him. His small fine<sup>3</sup> disgusted both soldiers and civilians.

*Troops  
were  
harassed*

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1. The Lexington Daily Press, July 1, 1885.

2. Ibid., August 6, 1885.

3. Ibid.



During the latter part of July and the first of August, 1885, Craig Tolliver was in Cincinnati, Ohio, being tried for robbing his mother-in-law in Lockland, Ohio, in 1881.<sup>1</sup>

Several months later and in the next year, Whit Pelfrey was killed by Tom Goodan. The two men quarreled about the Martin and Tolliver fight. Goodan was a member of the Tolliver crowd. He was tried and acquitted in February, 1887.<sup>2</sup>

On July 2, 1886, hostilities flared up again because of a fight between Mat Carey of the Martin faction and Craig Tolliver. Howard Logan was drawn in on the side of Carey. The fight took place at the depot. Tolliver was drunk. He got out a pistol and ran Logan into Jim Webster's house, where Logan remained until some women took him out the back way. When Logan reached home, he sent for Cook Humphrey. Both sides now grouped their members and took up arms. Warrants were issued for the disturbers of the peace. Bill Ramey, the Sheriff, with his son and deputy, Henry,

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1. The Lexington Daily Press, July 1, 1885.

2. Report on Rowan County Affairs, page 244.

went to arrest Humphrey and a man named Bailey. Humphrey was arrested outside of Logan's store but did not want to give up his pistol until Tolliver was also arrested. During Humphrey's protest, they went inside Logan's store to arrest Bailey. A quarrel arose and Logan asked Ramey if he had a warrant for him. Ramey said he did not, so Logan then ordered all of the men to get out. Ramey refused to do so. Logan then attempted to shove Ramey out. The Sheriff drew his pistol then, and a general shooting occurred, in which Humphrey and young Logan joined Howard Logan in the attack on the Rameys, who finally ran. Young Logan was left severely wounded, and both officers had also been hit. No charge was made against the Rameys.<sup>1</sup> The Governor was telegraphed for troops.<sup>2</sup>

Between July 9 and July 24, the factions adopted a policy of watchful waiting. Craig Tolliver left town, and Howard Logan drove Sheriff Ramey away by threatening to kill him outright because of his wounded son.<sup>3</sup> Young Logan died on the morning of July 24,

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1. Report on Rowan County Affairs, pages 245, 246.
  2. The Lexington Daily Press, July 7, 1886.
  3. Ibid., July 9, 1886.



thereby increasing the bitterness.<sup>1</sup> Judge Cole called  
a special term of court for July.<sup>2</sup>

On July 26, Tolliver and Humphrey were indicted  
for breach of peace and for carrying concealed weapons.<sup>3</sup>  
Each man gave bond to the sum of five hundred dollars.  
Humphrey's bond was signed by Howard Logan and Billy  
Humphrey, Cook's father. Craig's bond was signed by  
Jim Ham, Field Ham and a man named Salzer. Humphrey's  
bond was good but Tolliver's was not a good one as  
none of the men who signed it were worth the face value  
of the bond.<sup>4</sup>

The cases were to be tried at the August Court by  
Special Commonwealth's Attorney, Asher Caruth. The  
legal machinery was as corrupt at this time as the  
year before. Caruth found the docket of Judge Cole's  
court a sham.<sup>5</sup> Craig Tolliver was charged with false  
arrest and imprisonment of Sue Martin. Cook Humphrey  
was charged with shooting Z. T. Young and with conspiracy.

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1. Lexington Daily Press, July 25, 1886.

2. Ibid., July 13, 1886.

3. Report on Rowan County Affairs, page 224.

4. Ibid.

5. Ibid., page 261.

The only proof in the case was that Humphrey had been heard to say that if John Martin was killed, Taylor Young would be killed; nobody saw him near the place where Young was wounded. Everything on the docket was for conspiracy, conspiring and confederating together. The case of attempted poisoning was also renewed against Mrs. Martin.<sup>1</sup> Caruth believed that, with that docket, it would have been impossible to secure a conviction of the feud leaders, but he realized that failure to convict would mean admitting the impotence of the court in enforcing the law.<sup>2</sup> He decided to try to solve the feud problem by bringing the two faction leaders together in agreeing to a second peace treaty. Caruth consulted the Governor and leading men of the State concerning the advisability of this plan, received their approval and proceeded to write the agreement which Humphrey and Tolliver both signed. Each agreed to leave Rowan County on or before Sunday, August 8, 1886. They were allowed to return in case of death in their immediate families, provided they left immediately after the funeral. In case they

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1. Report on Rowan County Affairs, page 261.

2. Ibid., page 252.



should remain, the charges against them would be re-  
doctored and the trials would proceed.<sup>1</sup> Cook Hum-  
phries kept his part of the agreement. He went to  
Memphis, Missouri, and never came back to Rowan County  
except for a short business trip. Tolliver stayed  
away for a few months and then returned to continue his  
career of crime.<sup>2</sup>

After the settlement of August, 1886, and while  
Tolliver was away, there were no violent outbreaks un-  
til the night of January 4, 1887. At that time, Mace  
Keaton was killed by an unknown person while Keaton  
was running to the Powers Hotel. Keaton had just  
had a quarrel with John Rogers, nephew of Z. T. Young,  
over John Martin's daughter. Keaton shot one of  
Rogers' fingers off. The slain man was known as a bad  
character even though he was a constable. Rogers had  
a good reputation.<sup>3</sup> Keaton did not actually belong  
to either faction but he was along when Rayborn was  
killed.

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1. Report of Rowan County Affairs, page 186.
  2. The Lexington Daily Press, January 5, 1887.
  3. Ibid.

On January 12, 1887, Howard Logan was shot from ambush near Morehead. He was the father of young Logan who died as a result of the shooting of July 2, 1885. Logan was not killed but he was severely wounded.<sup>1</sup> Some time later, John Keaton confessed to a Covington notary public, D. L. Conner, that Allie Young and Green Mannin offered him a hundred dollars if he would kill Howard Logan. He said that once Young offered to give him twelve boxes of beer and the rent of the Central Hotel for a year if he would shoot Logan.<sup>2</sup>

The next man killed after Mace Keaton was A. M. Witcher, a friend of the Tollivers. His death was not due to the Martins, for he was killed accidentally. Witcher was a partner of Jay Tolliver in the saloon business. They sold liquor without a license. A group of Tollivers were practicing in the saloon with pistols. Witcher was killed when a stray bullet struck him in the head. No one was ever indicted for killing him.<sup>3</sup>

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1. The Lexington Daily Press, January 14, 1887.

2. Report on Rowan County Affairs, page 213.

3. Ibid., page 197.



From February to June 22, 1887, the Tollivers terrorized Morehead. They shot into houses and drove a third of the people away from Morehead. Section men were even run away from their work on the railroad. Cal Tolliver knocked a Negro on the head with a revolver and scared others away. The Tollivers had run Jim Carey and several other citizens away from their homes. Some left to stay while others left to return to fight for the firesides from which they had been driven.<sup>1</sup> Craig Tolliver was elected Police Judge of Morehead without opposition, and he and his henchmen were in full control. Buck Mannin was made Town Marshal and Bud Tolliver was made a member of the town council.<sup>2</sup> Tolliver persecuted his enemies at will, arresting them for trivial, petty offenses. This high-handed rule ended in the murder of the Logan boys, and this event, like a mountain landslide, started the downfall of the Tolliver regime.

Dr. Henry Logan, Morgan McClurg and others had been indicted in February, 1887, for conspiring to kill

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1. Report on Rowan County Affairs, page 276.

2. Mitzenberg, op. cit., pages 158-159.

see  
p 55

Judge Cole and Z. T. Young. Judge Cole had committed the men to the Lexington jail. The prisoners were pardoned by the Governor on June 15, but after Logan's two sons were killed.<sup>1</sup> It is laughable how many men were indicted for conspiring to kill the Youngs and Judge Cole, but these men controlled the Rowan County court.

The Logan boys lived on the north fork of Triplitt's Creek east of Morehead. Jack was about eighteen years old, and Billy was a twenty-five year old consumptive who weighed less than a hundred pounds. Craig Tolliver, as Police Judge of Morehead, issued to the Town Marshal, Bunk Mannin, a warrant for the arrest of the Logan boys. It was sworn out by Hiram Cooper, one of Tolliver's henchmen.<sup>2</sup> The posse which included Deputy Sheriff George Hogg, Craig, Jay, Bud, Cal Tolliver, Hiram Cooper, and a son of Z. T. Young, was armed with Winchester rifles and breech loading shotguns. The boys lived in a double log cabin about two miles from Morehead. When the posse neared the house, they

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1. The Lexington Daily Press, June 16, 1887.

2. Ibid., June 24, 1887.



fired a fusillade into the structure. Jack Logan was in the yard feeding his horse. Upon noting the approach of the posse, he ran into the house, seized a gun, and fired into the crowd, wounding Mannin. The posse called upon the boys to come out, but they were unwilling to trust the Tollivers. The posse then set fire to the house and Billy Logan surrendered, after receiving a promise that their lives would be spared. The younger boy was still unwilling to surrender but was forced to do so or be burned alive. The whole party then started away from the house, members of the posse holding fast to the boys' arms. Fifty feet away, near the spring, the murderers suddenly opened fire upon the Logans, killing Billy first, then Jack. The bodies, horribly mutilated, were left lying where they fell. The posse then returned to Morehead, but not before Craig Tolliver had stopped them on a high hill, overlooking the town, and charged them to tell that the Logan boys had been killed while resisting arrest.<sup>1</sup> The next morning, Boone Logan,

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1. MacPherson's Report, Kentucky Documents, No. 23, 1887.

cousin of the dead boys, together with Hiram Pigman and Ap Perry, founded the mangled bodies and gave them decent burial.<sup>1</sup> The Tollivers declared that they were willing to stand trial provided they would be permitted to attend court with their Winchesters.<sup>2</sup> This absurd proposition was refused by Judge Stewart,<sup>3</sup> who declared that he would not hold a bogus trial. Sunk Mannin was indicted for the murder on August 12,<sup>4</sup> but only after the Tolliver rule was ended.

Up to this point, the men killed in the feud included Solomon Bradley,<sup>2</sup> Floyd Tolliver,<sup>3</sup> John Martin,<sup>4</sup> Stewart Bumgardner,<sup>5</sup> Ben Rayborn,<sup>6</sup> A. M. Witcher,<sup>7</sup> William Logan,<sup>8</sup> Wiley Tolliver,<sup>9</sup> Mace Keaton,<sup>10</sup> Jack Logan,<sup>11</sup> Billy Logan,<sup>12</sup> John Day,<sup>13</sup> Whit Pelfrey,<sup>14</sup> B. Caudle, and John Hughes.<sup>15</sup> The last man was not connected with either faction. His murderers were the only ones convicted and sent to the penitentiary during the

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1. MacPherson's Report, Kentucky Documents, No. 23, 1887.

2. Ibid.

3. Ibid.

4. Report on Rowan County Affairs, page 199.



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entire time of the feud.

Up until now, Boone Logan had taken no part in the feud, but now he was determined to stamp out the Tolliver crowd. Daniel Boone Logan was a young lawyer, twenty-eight years old, six feet tall, of high character, great intelligence, and he possessed a pleasing personality. This was the man who led the fight of extermination on the Tollivers. He had been forced to leave Morehead a short time after the death of the Logan boys. But even then Tolliver loaded him with exasperating messages that they intended to rent out his house, and hire out his wife to make a living for herself and her two children.<sup>2</sup> Boone Logan now decided to retake his fire-side or die in the attempt. He went to Frankfort to request troops of Governor Knott, but this the Governor refused, pointing out the large sums of money that the state had already spent in Rowan without securing a conviction, and suggesting that the good people of Morehead take the matter in hand, and themselves suppress the outlawry.<sup>3</sup>

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1. Report on Rowan County Affairs, page 199.

2. Sam Hill's Report, Kentucky Documents, No. 23, 1887.

3. Ibid.

Thus advised, Logan went to Cincinnati, bought several hundred dollars worth of guns, plus sufficient ammunition and shipped them to Morehead.

Logan formed his organization of the best citizens of the county, without regard to political affiliations. It also included good men from other counties.<sup>1</sup> Warrants were procured from the County Judge for the arrest of Craig, Jay, Bud, Cal Tolliver, Bunk Mannin, Jim Mannin, John Rogers, Hiram Cooper,<sup>2</sup> Boone Day, Bill Day, Tom Day, and Sam Gooden. These warrants were placed in the hands of Sheriff Hogg, though Boone Logan expected little aid from the Sheriff, but the posse was determined to enlist the law's aid as much as possible. Wednesday morning at ten o'clock, June 22, 1867, was the time designated for the arrest of the Tollivers. Members of the posse agreed to wear no hats in order that they might recognize each other. Early on the morning of the 22nd, nearly a hundred men stationed themselves at vantage points around Morehead. In their hands were loaded

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1. Sam Hill's Report, Kentucky Documents, No. 23, 1867.

2. Johnson, op. cit., page 267.



rifles, in their hearts a grim determination to end  
Tolliver rule.

From The Collection Of:  
Dr. Jack D. Ellis  
552 W. Sun St.  
Morehead, KY 40351  
606-784-7473

## CHAPTER III

The Battle of MoreheadJune 22, 1887

Craig Tolliver was apprehensive of attack but he felt secure for his forces were well armed. They gathered at the American House. Sheriff Hogg failed to demand the surrender of the Tollivers and remained outside of the town until the battle was over. The shooting began prematurely when, about eight-thirty on the morning of June 22, a boy by the name of Bryant was sent to Pignan's store for information concerning the Tollivers' movements. As he was returning, he was seen and fired upon by Craig and Jay Tolliver, who ran down Railroad Street. Bryant ran and succeeded in making his escape. As the two Tollivers were retracing their steps, Boone Logan opened fire on them. The men who were with him immediately deserted, but he kept shooting until the Tollivers were forced into the American House for ammunition. Bud, Andy, Cal, Cate, Cooper and others were already there. All of these now made for the Central Hotel. Craig and Andy cut

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606-784-7473



through alleys and reached it first. The rest, under constant fire, went down Railroad Street. At the drug store, Bud Madden of the posse was wounded. Bud Tolliver was shot in the thigh. Cal and Cate, who were mere boys, hid him in the weeds behind Johnson's store. All of the Tollivers joined at the Central Hotel. Hiram Cooper was shot after going into the street. He retreated to an upstairs wardrobe and in this place of fancied security was shot again.

Boone Logan told the Tollivers if they would surrender they would not be hurt. Mrs. Mannin was standing in the door of the Central Hotel and delivered the same message to the Tollivers. She left the building, leading fifteen year old Cate, who was disarmed and protected. The posse now resorted to the methods used by Tolliver and set fire to the Hotel. Jay ran out the back way but, after having run fifty feet, was shot three times. Craig and Andy came out on the south side. Andy was wounded twice but made his escape. Craig ran down the lane from the Central Hotel to the railroad tracks. At the corner drug store he was fired upon by Pigman, Perry, and three others. He went a



little beyond the corner, fell, arose, and ran further, only to fall again. Once more he arose and ran to the switch where he fell riddled with bullets and buck-shot.<sup>1</sup> Blood poured from wounds in the back and on each side of his chest.<sup>2</sup> Before he died, he removed his boots, being resolved not to die with them on. After the fight, members of the posse hunted down and dispatched the wounded Tollivers.<sup>3</sup> George Craycraft was an unprincipled man who killed Jay Tolliver after he was down. Craycraft went up to get Tolliver's pistol. The wounded man stirred a bit, and Craycraft jumped back and shot him three times.<sup>4</sup> Other members of the posse found Bud Tolliver lying wounded behind the store and blew out his brains by placing a pistol against his head, pulling the trigger, and killing him instantly. After this, Craig's saloon was raided and the American Hotel robbed.<sup>5</sup> Of course, Boone Logan and the majority of the posse did not approve of this robbing and killing of the wounded, but there were

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1. MacPherson's Report, Kentucky Documents, No. 23, 1887.
  2. The Lexington Daily Press, June 24, 1887.
  3. MacPherson's Report, Kentucky Documents, No. 23, 1887.
  4. Report on Rowan County Affairs, page 208.
  5. MacPherson's Report, Kentucky Documents, No. 23, 1887.



unprincipled men who could not be restrained. The firing was continuous for the two hours the fight lasted. Over 1500 shots were fired. After the battle, there was great rejoicing among the victors.<sup>1</sup>

Young Cal Tolliver, who showed great bravery in this fight, was wounded but escaped by hiding under a house. The next day the imprint of the boy's body could be seen in the dust. Though wounded and in agony, he did not reveal his hiding place, managing to escape after dark. Andy Tolliver was arrested about a week after the fight. He died at Elliottsville while a guard was taking him to Morehead.<sup>2</sup>

On the 24th, Allie Young was arrested in Mount Sterling.<sup>3</sup> Immediately after the battle, the dead were carried to the depot, where they were viewed by a large crowd, all anxious to see the last of them.<sup>4</sup> Later, the bodies were taken to Tolliver's residence where they lay side by side in a pool of blood and brains.<sup>5</sup> The following order was received in Lexington:

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1. MacPherson's Report, Kentucky Documents, No. 23, 1887.
  2. The Lexington Daily Press, June 29, 1887.
  3. Ibid., June 25, 1887.
  4. Ibid., June 23, 1887.
  5. Ibid.

Morehead, June 22, 1887

L. and G. Straus:

Send four coffins -- two six feet four inches long and two six feet six inches long; also four suits of clothes.

1

William Hodgkin.

2

Craig Tolliver's widow paid for all of the coffins.

Upon Craig's casket was the simple inscription, "Rest

3

in Peace." The four slain men were buried June 24

near Elliottsville. Only a few attended the burial,

and there were no religious ceremonies, since there

4

was no one at hand competent to conduct them. Most

of the people of Morehead were glad to see the funeral

group leave the town.

After the battle of June 22, a group calling itself the Law and Order League took control. A meet-

ing was called in the Court House, and Boone Logan,

D. M. Dillon and J. M. Brain assured the people that

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an organization was formed to protect good citizens.

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1. The Lexington Daily Press, June 23, 1887.

2. Ibid., June 24, 1887.

3. Ibid., June 23, 1887.

4. Ibid., June 24, 1887.

5. Ibid.



Troops arrived in Morehead on August 1, 1887.<sup>1</sup>

In regard to the events of June 22, Boone Logan declared that the posse acted under the authority of the law, and in accord with the expressed wish of Governor Knott. He said it was their intention to maintain peace in Rowan County. They would use force if arbitration proved impossible. He stated that the posse had done a service to Rowan County,<sup>2</sup> Morehead, and the state. Logan later moved to Pineville where he practiced law for many years.

Some twelve or fourteen members of the posse of June 22 were indicted. Among these were Hiram Pignan and Ap Perry. These last two were prosecuted by Z. T. Young, Allie Young, and two other lawyers. They were acquitted by a Fleming County jury of high class, intelligent men. The Youngs were also tried and ac-<sup>3</sup>quitted by the same jury. Boone Logan was never indicted for the events of June 22. Bunk Mannin was<sup>4</sup> also tried and acquitted by the Fleming jury.

It seems that those men of the jury considered the

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1. MacPherson's Report, Kentucky Documents, No. 23, 1887.
  2. The Lexington Daily Press, June 24, 1887.
  3. Report on Rowan County Affairs, pages 254, 255.
  4. Ibid., page 255.



work of the posse of June 22 good, and thought it best to wipe the slate clean, letting things past remain in the past.

Peace had come to Morehead to stay. Shortly after the death of the Tollivers, the young people of the town held a social, which was the first event of its kind<sup>1</sup> that had occurred in the little town for many years.

Craig Tolliver at the time of his death was about thirty-five years old. His well proportioned body was six feet tall, and weighed over two hundred pounds. Tolliver had dark eyes, shaggy eyebrows and a heavy mustache. His hair and beard were dark brown. The man's disposition was that of a bully and he liked to be known as a "tough man". He was a dead shot; would draw upon the least provocation, and was intelligent, as well as cunning. Tolliver had a good face; it was not brutal. His manners were mild so long as he was not aroused.<sup>2</sup> The famous feudist was poorly educated.<sup>3</sup>

One more incident of this feud deserves mention. Z. T. Young, who was regarded by many as a Tolliver

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1. Sam Hill's Report, Kentucky Documents, No. 23, 1887.

2. The Lexington Morning Transcript, June 24, 1887.

3. Johnson, op. cit., pages 270, 271.



sympathizer, was observed holding whispered consultation with Tolliver partisans on September 10. Following the events of June 22, in the afternoon, Young, with several companions, left Morehead. The next afternoon's train brought a box of Springfield rifles and a thousand rounds of ammunition to Morehead. The box was addressed to "A. J. White, Deputy Sheriff." On the express tag was, "Z. T. Young, Mount Sterling, Kentucky." This last was marked through with a blue pencil. Judge Cole ordered the soldiers to seize these guns and to search Morehead homes for arms, since it was rumored that Tolliver partisans were intending to attack the "Law and Order" party.<sup>1</sup>

The search was made and the guns taken, but the private arms were later restored upon an order from the Acting Adjutant General at Frankfort. This same order directed the commanding officer at Morehead to bring to Frankfort the Springfield rifles and ammunition captured at Morehead.<sup>2</sup> After this order from Frankfort had been given, Judge Cole ordered the box

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1. MacPherson's Report, Kentucky Documents, No. 23, 1897.

2. Ibid.

of Springfield rifles and the ammunition to be delivered to Squire Hogg, Sheriff of Rowan County, to arm a posse of citizens to make an arrest. This order was refused because of the Governor's order concerning the guns and because, as MacPherson said, it would have been to accord one faction a privilege denied to the other--that is, to be armed.<sup>1</sup>

Deputy Sheriffs Andy White and George Hogg made threats regarding the removal of the guns from Morehead, but the soldiers were not disturbed as they loaded them on the train. At Mount Sterling, a deputy sheriff and his assistants tried to secure the guns. They presented an order from the Montgomery Circuit Court in a suit filed the same day against MacPherson by Z. T. Young and Jerry Wilson. The soldiers explained the absurdity of any sheriff, with any posse, preventing the execution of the Governor's orders. The train started then, carrying one of the deputies along as an involuntary passenger. He was well treated. The guns and ammunition were delivered to the Governor at Frankfort, and the entire command was returned to

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1. MacPherson's Report, Kentucky Documents, No. 23, 1887.



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Louisville the same evening.

Today, fifty-three years after the famous Battle of Morehead, the feud is a matter of history. It belongs to the historian's field of research. Many of the young people of Rowan County know nothing of it, and only elderly citizens recall its events. Morehead now points with pride to its thriving business section, its churches and the stately buildings of Morehead State Teachers College, but in the autumn of 1897, people were grateful that the reign of terror was ended, and that once more they could live normal lives.

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1. MacPherson's Report, Kentucky Documents, No. 23, 1897.